



**State Bar of California  
180 Howard Street  
San Francisco, CA 94105  
Boardrooms A-C**

**June 19, 2008  
11:30 am to 12:30 pm**

**The State Bar of California Labor and Employment Law Section Presents**  
**LEGAL ISSUES: DEALING WITH EMPLOYEES WITH**  
**BEHAVIORAL DIFFICULTIES IN THE WORKPLACE**

**Co-Sponsored by the Labor & Employment Section of the San Diego County Bar Association**

1.0 Hours General MCLE Credit

The State Bar of California and the Labor and Employment Law Section are approved State Bar of California MCLE Providers



**CONSIDER THE CASE OF AN OFFICE** receptionist who, from time to time, falsely tells co-workers she is pregnant and fabricates bizarre circumstances surrounding the alleged pregnancy. The co-workers complain to management that her stories are “creepy”. What is the appropriate legal path in dealing with this employee?

“The more troublesome and nasty the employee, the greater the risk of litigation costs for an employer that disciplines or fires him. All things being equal, a ‘cantankerous’ person or a curmudgeon would be more secure by becoming more unpleasant. And an employer faced with an employee who is (for example) an outspoken bigot or boor would have to choose between the risk of litigating that employee’s ADA claim, or the risk of litigating the claims of others who experience an unchecked hostile work environment as a result of that employee’s behavior.” *Jacques v. DiMarzio*, 386 F.3d 192, (2d.Cir 2004)

Or consider the case of the mailroom clerk who puts a dead kitten in the lunchroom refrigerator to keep it cold until he can get to bury it. Or the ambulance driver/EMT who reveals to a co-worker that he has long suffered from a dissociative identity disorder.

Or the former Iraq war veteran, now a full time electrician’s assistant, who has had 267 hours of missed work time in the past 8 months and who, upon receiving a notice of termination, reveals to the employer he has suffered from post traumatic stress disorder which causes him to “freeze in place” rather than come to work.

What triggers FEHA and/or the ADA protections when it comes to mental or psychological disorder? And what course of action if the employee denies having a mental, emotional or psychological disorder? Might juries have the same notion of reasonableness in efforts to accommodate for psychological disability as they do for physical disabilities?

This program will discuss the analysis and action advising management clients who deal with difficult employees and how a plaintiff’s attorney would analyze liability after an adverse employment action has been taken.

This one hour session will tackle some of the thorniest issues of legal duty with regard to disability law. Our speakers are experts in the area. And the program will be an enjoyable and informative way to earn one hour of MCLE credit, made even more enjoyable if you bring a tasty brown bag lunch.





# 'LEGAL ISSUES: DEALING WITH EMPLOYEES WITH BEHAVIORAL DIFFICULTIES IN THE WORKPLACE' Speakers

**CLAUDIA CENTER, ESQ.**  
*LEGAL AID SOCIETY -  
EMPLOYMENT LAW CENTER*

Ms. Center has been with the Legal Aid Society-Employment Law Center in San Francisco since 1995. Ms. Center litigates cases that secure workplace accommodations and increase protections for workers with disabilities, and is actively involved in appellate work. She played a key role in the passage of an amendment to the FEHA that succeeded in broadening protections for persons with disabilities in employment and housing. In Fall 2001, Ms. Center argued before the U.S. Supreme Court in *US Airways, Inc. v. Barnett*, a case that clarified in a positive manner the scope of "reasonable accommodations" for disabled employees. In 1997, she started the LIBRA Project, a special initiative to advance the employment rights of persons with mental health conditions. Prior to coming to the LAS-ELC, Ms. Center was a staff attorney at the National Abortion and Reproductive Rights Action League (NARAL) in Washington, D.C. and a recipient of the Women's Law and Public Policy Fellowship. She obtained her B.A. in Government and African Studies from Wesleyan University in 1987 and her J.D. from Boalt Hall at the University of California in 1992.

**MARGARET EDWARDS, ESQ.**  
*LITTLER MENDELSON*

Ms. Edwards is a shareholder of Littler Mendelson, resident in the San Francisco office. Nationally recognized as an expert in the Americans with Disabilities Act, she advises and defends employers in a broad variety of employment and labor matters. She has litigated hundreds of cases in state and federal courts since beginning practice in 1975. Ms. Edwards routinely advises employers on legal compliance and litigation prevention measures, and trains managers and human resources on employment law subjects. Ms. Edwards received her J.D. from Northwestern University School of Law, cum laude, in 1975. Ms. Edwards has written more than three dozen articles on various employment law subjects, including, the role of remarks in discrimination cases, discrimination against individuals with mental disabilities, sexual harassment, policies for email and internet use, telecommuting and employment law, steps to take to avoid employment litigation, Title III of the Americans with Disabilities Act, how to hire good people legally, and a variety of other subjects. She is the author or co-author of several books, including *Americans with Disabilities Act: A Practical Guide for Employers* (California Continuing Education of the Bar), and *Chapters in Advising California Employers*, 2nd and 3rd Eds. (California Continuing Education of the Bar).

**WENDY P. ROUDER, ESQ.**  
*MODERATOR*

*1.0 Hours MCLE Credit*

**Online Registration is now available at: [www.calbar.ca.gov/laborlaw](http://www.calbar.ca.gov/laborlaw)**



# The State Bar of California Labor and Employment Law Section Presents: Legal Issues: Dealing with Employees with Behavioral Difficulties in the Workplace

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*Note: One registrant per form. Photocopies may be used.*

Bar Number: \_\_\_\_\_

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address\*: \_\_\_\_\_

\*Required for e-mail confirmation

## REGISTRATION FEES (must be received by June 12, 2008)

Please check the appropriate box below:

- ☐ \$35 Students
- ☐ \$65 Members of the State Bar Labor and Employment Law Section
- ☐ \$95 All Others (Includes 2008 Membership in the State Bar Labor and Employment Law Section)

Amount Enclosed/To Be Charged: \$ \_\_\_\_\_

## CREDIT CARD INFORMATION

I authorize the State Bar of California to charge my program registration to my Visa/Mastercard account.  
No other credit card will be accepted.

Account Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
(Visa/Mastercard Only)

Cardholder's Name: \_\_\_\_\_

Cardholder's Signature: \_\_\_\_\_

## REGISTRATION INFORMATION DEADLINE

In order to pre-register, your form and check, payable to the State Bar of California, or credit card information  
**MUST BE RECEIVED** by June 12, 2008.

## WHERE TO REGISTER

ON-LINE: Go to [www.calbar.ca.gov/laborlaw](http://www.calbar.ca.gov/laborlaw)

MAIL TO: Program Registrations, State Bar of California, 180 Howard St., San Francisco, CA 94105

FAX TO: Program Registrations at (415) 538-2368. In order to fax your registration, credit card information is MANDATORY.  
Photocopies of checks will not be accepted.

## CANCELLATIONS/REFUNDS

Cancellations and requests for refunds must be received in writing by June 12, 2008. Substitute registrants are allowed but must register in their own name to receive MCLE credit. ON-SITE REGISTRATION is limited and subject to availability.

## QUESTIONS

For information regarding the program please call (415) 538-2590.

Program registration questions call (415) 538-2508

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## SPECIAL ASSISTANCE

Please call (415) 538-2465

To order audio tapes of this program please contact the Versatape Company at 1-800-468-2737.